

NO. 38

**JOURNAL**  
**of the**  
**HOUSE OF REPRESENTATIVES**  
**of the**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

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THURSDAY, MARCH 26, 2009  
(STATEWIDE SESSION)

**Thursday, March 26, 2009**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 25:1: "To you, O Lord, I lift up my soul; O my God, in you I trust."

Let us pray. Our gracious and trusting God, come to the aid of Your people, as these Representatives and staff strive to do the very best for the people whom they serve. Give them the desire, the courage, and the integrity to do what is right and needful for this State. Even though the task is difficult, the decisions are weighty, encourage them to carry out their duties with energy and with faith. Bless and preserve our Nation, President, State, Governor, Speaker, and all who serve in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. MOSS moved that when the House adjourns, it adjourn in memory of Wade S. Weatherford, Jr. of Gaffney, former Seventh Circuit Court Judge and former Senator and Representative, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., March 25, 2009

Mr. Speaker and Members of the House of Representatives:

The Senate respectfully informs your Honorable Body that it has confirmed the Governor's appointment of:

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Spartanburg County Master-in Equity  
Term Commencing: June 30, 2009  
Term Expiring: June 30, 2015  
Seat: Master-in-Equity

Reappointment  
The Honorable Gordon G. Cooper  
180 Magnolia Street, Suite 901  
Spartanburg, South Carolina 29306

Respectfully,  
President of the Senate

Received as information.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 3778 -- Rep. Harvin: A BILL TO AMEND SECTION 44-7-2430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLECTION OF DATA PURSUANT TO THE "HOSPITAL INFECTIONS DISCLOSURE ACT", SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COMBINE DATA FROM MULTIPLE REPORTING PERIODS IN COMPILING THE DEPARTMENT'S REPORTS AND TO REQUIRE THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, RATHER THAN THE COMMISSIONER OF THE DEPARTMENT, TO APPOINT AN ADVISORY COMMITTEE ON HOSPITAL ACQUIRED INFECTIONS; TO AMEND SECTION 44-7-2440, AS AMENDED, RELATING TO REPORTS COMPILED BY THE DEPARTMENT ON HOSPITAL ACQUIRED INFECTIONS, SO AS TO REQUIRE REPORTS TO THE GENERAL ASSEMBLY TO BE SUBMITTED BEFORE APRIL SIXTEENTH OF EACH YEAR; AND TO AMEND SECTION 44-7-2460, RELATING TO THE REQUIREMENT THAT COMPLIANCE WITH THIS ACT IS A CONDITION OF HOSPITAL LICENSURE AND PERMITTING, SO AS TO ALSO AUTHORIZE

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THE IMPOSITION OF CIVIL MONETARY PENALTIES FOR NONCOMPLIANCE.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 3779 -- Reps. Hearn, Weeks and Bannister: A BILL TO AMEND SECTION 63-7-1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEGAL REPRESENTATION OF CHILDREN AND THE APPOINTMENT OF GUARDIANS AD LITEM, SO AS TO CLARIFY WHEN AN ATTORNEY MAY BE APPOINTED TO REPRESENT A GUARDIAN AD LITEM IN A CHILD ABUSE OR NEGLECT PROCEEDING AND TO CLARIFY WHO THE COURT MAY APPOINT TO REPRESENT A CHILD IN SUCH A PROCEEDING.

Referred to Committee on Judiciary

H. 3781 -- Rep. Chalk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 10 TO CHAPTER 1, TITLE 6 SO AS TO AUTHORIZE ASSESSMENTS BE LEVIED AGAINST PARCELS OF PROPERTY, TO PROVIDE THE PROCEEDS BE USED TO OFFSET THE IMPACT OF DEVELOPMENT ON CERTAIN GOVERNMENTAL ENTITIES, AND PROVIDE FOR THE COLLECTION OF THESE ASSESSMENTS.

Referred to Committee on Ways and Means

H. 3782 -- Reps. T. R. Young, Knight, Parker, Cato, Dillard, Millwood, D. C. Smith, J. R. Smith and Stewart: A BILL TO AMEND SECTION 56-3-115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF GOLF CARTS ALONG THE STATE'S HIGHWAYS, SO AS TO INCREASE THE DISTANCE FROM WHICH A GOLF CART MAY BE OPERATED FROM ITS OWNER'S RESIDENCE OR PLACE OF BUSINESS.

Referred to Committee on Education and Public Works

H. 3783 -- Rep. Funderburk: A BILL TO AMEND SECTION 1-1-550, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PREFERENCE FOR HONORABLY DISCHARGED VETERANS IN PUBLIC EMPLOYMENT, SO AS TO DELETE

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PROVISIONS THAT HIRING PREFERENCE SHALL BE GIVEN ONLY WHEN PRACTICABLE.

Referred to Committee on Judiciary

H. 3784 -- Reps. Sottile, Limehouse, Bowen, Daning, Millwood, Parker, Rice, Scott, Stringer and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5-7-320 SO AS PROVIDE THAT A MUNICIPALITY OR COUNTY OR ITS EMPLOYEES ARE NOT LIABLE FOR DAMAGE OR INJURY CAUSED TO A PERSON WHO PARTICIPATES IN AN ALTERNATIVE RECREATIONAL ACTIVITY ON MUNICIPAL OR COUNTY PROPERTY, TO PROVIDE EXCEPTIONS, AND TO APPLY THE LIMITS OF THE SOUTH CAROLINA TORT CLAIMS ACT WHERE LIABILITY EXISTS.

Referred to Committee on Judiciary

H. 3785 -- Reps. Mack, Brantley, Parker, Gilliard, Knight, King, McEachern, Pinson, Gunn, R. L. Brown, Clyburn, Cobb-Hunter, Gullick, Hodges, Hosey, Long, Stringer, Weeks, Williams and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-55 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A SCHOOL BUS DRIVER TO OPERATE A SCHOOL BUS WHILE USING A CELLULAR TELEPHONE OR ANOTHER WIRELESS COMMUNICATIONS DEVICE, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION.

Referred to Committee on Education and Public Works

H. 3786 -- Reps. Millwood, Allison, Anthony, Ballentine, Bedingfield, Bowen, H. B. Brown, Cato, Crawford, Daning, Erickson, Forrester, Haley, Hamilton, Hardwick, Hearn, Hiott, Hosey, Huggins, Loftis, Lowe, Merrill, Moss, Nanney, Owens, Parker, Pinson, E. H. Pitts, Rice, Scott, Simrill, D. C. Smith, G. R. Smith, J. R. Smith, Sottile, Stavrinakis, Stewart, Stringer, Vick, Viers, White, Willis, Wylie, A. D. Young and T. R. Young: A BILL TO AMEND SECTION 16-3-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF HOMICIDE BY CHILD ABUSE, SO AS TO INCREASE THE PENALTY TO LIFE

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WITHOUT PAROLE OR DEATH IF THE STATE SEEKS THE DEATH PENALTY FOR MURDER.

Referred to Committee on Judiciary

H. 3787 -- Reps. Harrell, Cooper, Thompson, Cato and Jennings: A BILL TO AMEND CHAPTER 45, TITLE 11, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE VENTURE CAPITAL INVESTMENT ACT OF SOUTH CAROLINA, SO AS TO INCREASE THE AMOUNT OF PRINCIPAL BORROWING WHICH MAY BE AUTHORIZED BY THE VENTURE CAPITAL AUTHORITY BY FIFTY MILLION DOLLARS AND PROVIDE THAT ONE-HALF MUST BE ALLOCATED TO SC LAUNCH! FOR INVESTMENT IN SOUTH CAROLINA-BASED COMPANIES AND ONE-HALF MUST BE ALLOCATED FOR OTHER INVESTMENTS IN SOUTH CAROLINA COMPANIES ENGAGED IN THE KNOWLEDGE ECONOMY, TO DEFINE "SC LAUNCH!", TO PROVIDE GUIDELINES FOR THESE INVESTMENTS AND CAPITAL COMMITMENTS, AND TO MAKE CONFORMING DEFINITIONAL AND OTHER CHANGES TO GIVE EFFECT TO THESE PROVISIONS.

Referred to Committee on Ways and Means

H. 3788 -- Reps. Harrell, Cato, Cooper, Jennings, M. A. Pitts and Thompson: A BILL TO AMEND SECTION 13-17-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF THE SOUTH CAROLINA RESEARCH AUTHORITY AND ITS MEMBERS, MEETINGS, AND PROCEDURES, SO AS TO AUTHORIZE THE THREE RESEARCH UNIVERSITY PRESIDENTS TO DESIGNATE THEIR CHIEF RESEARCH OFFICERS TO PARTICIPATE IN RESEARCH AUTHORITY EXECUTIVE COMMITTEE MEETINGS ON THEIR BEHALF UNDER CERTAIN CONDITIONS; TO AMEND SECTION 13-17-70, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE BOARD OF THE RESEARCH AUTHORITY, SO AS TO FURTHER PROVIDE FOR THE BOARD'S AUTHORITY TO PROVIDE GUARANTEES FOR OBLIGATIONS OF RESEARCH AUTHORITY AFFILIATES; AND TO AMEND SECTION 13-17-87, AS AMENDED, RELATING TO THE ESTABLISHMENT OF RESEARCH INNOVATION CENTERS, SO AS TO FURTHER PROVIDE FOR THE

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PROCEDURES FOR FINANCING THESE INNOVATION CENTERS.

Referred to Committee on Ways and Means

H. 3789 -- Reps. Mack, Brantley, Gilliard, Clyburn, Cobb-Hunter, Hodges, Hosey, Kelly, Weeks and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-1030 SO AS TO PROVIDE THAT A PERSON MAY NOT USE A TASER TO SUBDUE AN ELEMENTARY OR MIDDLE SCHOOL STUDENT ON A SCHOOL CAMPUS.

Referred to Committee on Judiciary

H. 3790 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA MORTGAGE LENDING ACT", BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD-KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTIONS 37-1-301, 37-3-105, 37-3-501, AND 37-23-20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH-COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR "ADJUSTABLE RATE MORTGAGE"; TO AMEND SECTIONS 37-23-40, 37-23-45, AND 37-23-75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH-COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29-4-20, RELATING TO THE DEFINITION OF "REVERSE MORTGAGE", SO AS TO CONFORM THE DEFINITION; AND TO

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AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

Referred to Committee on Labor, Commerce and Industry

H. 3794 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-11-2200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF WILDLIFE MANAGEMENT AREAS, SO AS TO SPECIFY ADDITIONAL PROHIBITED ACTIVITIES; TO AMEND SECTION 50-11-2210, RELATING TO ABUSE OF WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; TO AMEND SECTION 50-11-2220, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR ABUSING WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; AND BY ADDING SECTION 50-11-2225 SO AS TO CREATE A MISDEMEANOR CRIMINAL OFFENSE FOR ENTERING OR REMAINING ON A CLOSED AREA CONTRARY TO THE INSTRUCTIONS OF A LAW ENFORCEMENT OFFICER, MANAGER, OR DEPARTMENT CUSTODIAL PERSONNEL.

Referred to Committee on Judiciary

H. 3797 -- Rep. Harrison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-11-2025 SO AS TO PROVIDE A PROCEDURE BY WHICH THE

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GOVERNING BODY OF A SPECIAL PURPOSE DISTRICT CREATED BY ACT OF THE GENERAL ASSEMBLY, THAT PROVIDES RECREATIONAL SERVICES AND HAS AS ITS BOUNDARY THE SAME AS THE COUNTY IN WHICH IT IS LOCATED, TO DISSOLVE AND TRANSFER ITS ASSETS AND LIABILITIES TO A COUNTY BY RESOLUTION OF THE GOVERNING BODY OF THE COUNTY AND THE LEGISLATIVE DELEGATION OF THE COUNTY; TO REQUIRE THE GOVERNING BODY OF THE COUNTY TO COMPLY WITH THE PROVISIONS OF SECTION 6-11-2140; AND TO PROVIDE FOR CALCULATING THE MILLAGE LIMITATION FOR A COUNTY WHEN A SPECIAL PURPOSE DISTRICT TRANSFERS ITS ASSETS AND LIABILITIES TO A COUNTY.

Referred to Committee on Judiciary

H. 3798 -- Reps. Bannister and Harrison: A BILL TO AMEND SECTION 17-15-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE INSTEAD OF A BOND, ASSIGNMENT OF THE DEPOSIT, AND RESTITUTION TO THE VICTIM, SO AS TO PROVIDE FOR THE DEPOSIT OF A CASH AMOUNT BY THE DEFENDANT THROUGH AN ACCOMMODATION BONDSMAN, TO INCREASE THE CASH AMOUNT PERCENTAGE TO NOT LESS THAN TWENTY-FIVE PERCENT, AND TO REQUIRE THE ACCOMMODATION BONDSMAN TO PAY A HANDLING FEE TO THE CLERK OF COURT EQUAL TO FOUR PERCENT OF THE AMOUNT OF THE BOND SET.

Referred to Committee on Judiciary

S. 104 -- Senators Verdin and Campsen: A BILL TO AMEND TITLE 46 OF THE 1976 CODE, RELATING TO AGRICULTURE, BY ADDING CHAPTER 53, TO LIMIT THE LIABILITY THAT AN AGRITOURISM PROFESSIONAL MAY INCUR DUE TO AN INJURY OR DEATH SUFFERED BY A PARTICIPANT IN AN AGRITOURISM ACTIVITY, TO PROVIDE THAT AN AGRITOURISM PROFESSIONAL MUST POST A WARNING NOTICE AT THE AGRITOURISM FACILITY, TO PROVIDE THAT WARNING NOTICES MUST BE INCLUDED IN CONTRACTS THE AGRITOURISM PROFESSIONAL ENTERS INTO WITH PARTICIPANTS, AND TO PROVIDE THAT THE AGRITOURISM PROFESSIONAL'S LIABILITY IS NOT LIMITED

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IF THE PROPER WARNING NOTICES ARE NOT PROVIDED TO PARTICIPANTS.

Referred to Committee on Judiciary

S. 329 -- Senators Fair and Campsen: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 24 OF THE 1976 CODE BY ADDING SECTION 24-3-580, TO PROHIBIT THE DISCLOSURE OF THE IDENTITY OF MEMBERS OF AN EXECUTION TEAM AND TO ALLOW FOR CIVIL PENALTIES FOR A VIOLATION OF THE SECTION, AND BY ADDING SECTION 24-3-590, TO PROHIBIT LICENSING AGENCIES FROM TAKING ANY ACTION TO REVOKE, SUSPEND, OR DENY A LICENSE TO ANY PERSON WHO PARTICIPATES ON AN EXECUTION TEAM.

Referred to Committee on Judiciary

S. 345 -- Senator Leatherman: A BILL TO AMEND SECTION 8-11-65 OF THE 1976 CODE, RELATING TO LEAVES OF ABSENCE TO BE AN ORGAN DONOR, TO PROVIDE THAT THE NUMBER OF DAYS A PERSON MAY MISS EACH YEAR TO DONATE THEIR ORGANS SHALL BE COUNTED IN A CALENDAR YEAR INSTEAD OF A FISCAL YEAR; AND TO AMEND SECTION 8-11-120, RELATING TO THE POSTING OF JOB VACANCIES BEFORE THE VACANCY IS FILLED, TO REVISE AND SIMPLIFY THE REQUIREMENTS FOR THE NOTICE.

Referred to Committee on Medical, Military, Public and Municipal Affairs

S. 388 -- Senator Leatherman: A JOINT RESOLUTION TO DIRECT THE STATE TREASURER'S OFFICE TO PROVIDE FINANCING ARRANGEMENTS THROUGH THE MASTER LEASE PROGRAM FOR ANY AGENCY THAT HAS NOT PAID IN FULL FOR ITS SOUTH CAROLINA ENTERPRISE INFORMATION SYSTEM (SCEIS) IMPLEMENTATION COSTS AND HAS NOT UTILIZED THE AGENCY'S SET-ASIDE ACCOUNT TO MEET ITS OBLIGATIONS, TO PROVIDE THAT THE AMOUNTS AND TIMING OF LEASE PAYMENTS BY AN AGENCY SHALL BE DETERMINED BY THE STATE TREASURER'S OFFICE IN COOPERATION WITH THE SCEIS EXECUTIVE OVERSIGHT COMMITTEE, TO REQUIRE AN

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AGENCY TO MEET ALL OF ITS SCEIS FINANCIAL OBLIGATIONS, AND TO PROVIDE WHEN AN AGENCY MAY WITHDRAW FUNDS FROM ITS SCEIS SET-ASIDE ACCOUNT.

Referred to Committee on Ways and Means

S. 420 -- Senators Knotts, Land, Coleman, Setzler, McConnell, Leatherman, Courson, Thomas and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-4975 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS TO OPERATE A VEHICLE THAT IS UPFITTED AS AN AMBULANCE OR NO LONGER PERMITTED AND LICENSED AS AN AMBULANCE UNLESS CERTAIN EXTERIOR ITEMS THAT DISTINGUISH IT AS AN AMBULANCE ARE REMOVED, TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION, AND TO PROVIDE THAT THE USE OF THE VEHICLE DURING THE COMMISSION OF A CRIME OR A TERRORIST ACT IS A FELONY.

Referred to Committee on Judiciary

S. 573 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO TAX CREDITS FOR FORTIFICATION MEASURES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3205, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Labor, Commerce and Industry

S. 588 -- Senators Peeler, Setzler, Hayes and Matthews: A JOINT RESOLUTION TO EXTEND THE DATE BY WHICH A SCHOOL DISTRICT MUST DECIDE WHETHER TO EMPLOY A TEACHER FOR THE 2009-2010 SCHOOL YEAR FROM APRIL FIFTEENTH TO MAY FIFTEENTH AND TO PROVIDE THAT A TEACHER HAS TEN DAYS FOLLOWING RECEIPT OF WRITTEN NOTIFICATION OF AN OFFER TO ACCEPT THE CONTRACT, AND TO PROVIDE THAT A SCHOOL DISTRICT MAY UNIFORMLY NEGOTIATE SALARIES BELOW THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE 2009-2010 SCHOOL YEAR FOR RETIRED TEACHERS WHO ARE NOT

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PARTICIPANTS IN THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM.

On motion of Rep. OWENS, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

**HOUSE RESOLUTION**

The following was introduced:

H. 3780 -- Reps. Gilliard and Mack: A HOUSE RESOLUTION TO URGE THE CHARLESTON COUNTY COUNCIL NOT TO RENEW ITS CONTRACT WITH MONTENAY CHARLESTON RESOURCE RECOVERY, THE COMPANY THAT OPERATES THE WASTE-TO-ENERGY FACILITY CURRENTLY DISPOSING OF MOST OF CHARLESTON COUNTY'S WASTE, AND TO ENCOURAGE THE COUNCIL TO EXPLORE OTHER TECHNOLOGIES THAT WILL ACCOMPLISH THE NECESSARY WASTE REMOVAL IN A MANNER THAT PRODUCES LESS POLLUTION.

The Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**HOUSE RESOLUTION**

The following was introduced:

H. 3791 -- Reps. Horne and A. D. Young: A HOUSE RESOLUTION TO RECOGNIZE THE CONTRIBUTIONS OF THE LATE JANICE OGLIETTI OF DORCHESTER COUNTY IN THE AREA OF DRUG AND ALCOHOL ADDICTION PREVENTION AND TO EXPRESS PROFOUND SORROW UPON HER PASSING.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3792 -- Reps. Agnew, Gambrell and M. A. Pitts: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE ABBEVILLE HIGH SCHOOL WRESTLING TEAM FOR A SUCCESSFUL SEASON AND TO CONGRATULATE THE COACHES, SCHOOL

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OFFICIAL OFFICIALS, AND THE WRESTLERS FOR WINNING THE 2009 CLASS AA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3793 -- Reps. Gambrell and Agnew: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR HUGH SMITH, SUPERINTENDENT OF ANDERSON SCHOOL DISTRICT 3, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-FOUR YEARS IN EDUCATION AND TO WISH HIM SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

On motion of Rep. J. H. NEAL, with unanimous consent, the following was taken up for immediate consideration:

H. 3795 -- Reps. J. H. Neal, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE LOWER RICHLAND HIGH

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SCHOOL GIRLS BASKETBALL TEAM, COACH, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2009 CLASS AAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Lower Richland High School basketball team, coach, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on their outstanding season and for capturing the 2009 Class AAA State Championship title.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3796 -- Reps. J. H. Neal, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE LOWER RICHLAND HIGH SCHOOL "LADY DIAMONDS" BASKETBALL TEAM ON ITS IMPRESSIVE

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WIN OF THE 2009 CLASS AAA STATE CHAMPIONSHIP TITLE,  
AND TO HONOR THE PLAYERS, COACH, AND STAFF ON AN  
OUTSTANDING SEASON.

The Concurrent Resolution was agreed to and ordered sent to the  
Senate.

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as  
follows:

Agnew	Alexander	Allen
Allison	Anderson	Anthony
Bales	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
R. L. Brown	Cato	Chalk
Clemmons	Clyburn	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Duncan	Forrester
Frye	Funderburk	Gambrell
Gilliard	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Horne
Hosey	Howard	Huggins
Hutto	Jefferson	Jennings
Kelly	Kennedy	King
Kirsh	Knight	Littlejohn
Loftis	Long	Lowe
Lucas	Mack	McEachern
McLeod	Merrill	Miller
Millwood	Moss	Nanney
J. H. Neal	J. M. Neal	Ott
Owens	Parker	Parks
Pinson	E. H. Pitts	M. A. Pitts
Rice	Sandifer	Scott
Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer

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Thompson	Toole	Umphlett
Vick	Weeks	White
Whitmire	Williams	Willis
Wylie	A. D. Young	T. R. Young

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, March 26.

Greg Delleney	Denny Neilson
Leon Stavrinakis	Gary Simrill
Carl Gullick	H.B. "Chip" Limehouse
Shannon Erickson	Boyd Brown
Harold Mitchell	Bakari Sellers
Tracy Edge	Jerry Govan
James E. Smith	Chandra Dillard
Thad Viers	

**Total Present--120**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BALLENTINE a leave of absence for the day due to business reasons.

**TEMPORARY LEAVE OF ABSENCE**

The SPEAKER granted Rep. GOVAN a temporary leave of absence due to Court proceedings in Orangeburg.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Patricia Witherspoon of Columbia was the Doctor of the Day for the General Assembly.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**SPECIAL PRESENTATION**

Rep. HARRELL presented to the House The First Baptist Church School "Hurricanes" Varsity Basketball Team, the South Carolina Independent Schools Association Class AA Champions, their coaches and other school officials.

**SPEAKER IN CHAIR**



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**SPECIAL PRESENTATION**

Rep. COBB-HUNTER presented to the House the Holly Hill Academy "Lady Raiders" Volleyball Team, the 2008 South Carolina Independent Schools Association AA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. SANDIFER presented to the House Miss South Carolina 2008, Miss South Carolina Teen 2008, Miss America's Outstanding Teen 2008, and the 2009 Miss South Carolina Pageant contestants.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

**CO-SPONSOR ADDED**

Bill Number: H. 3737  
Date: ADD:  
03/26/09 BRANHAM

**CO-SPONSOR ADDED**

Bill Number: H. 3018  
Date: ADD:  
03/26/09 R. L. BROWN

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**CO-SPONSOR ADDED**

Bill Number: H. 3047  
Date: ADD:  
03/26/09 FUNDERBURK

**CO-SPONSORS ADDED**

Bill Number: H. 3147  
Date: ADD:  
03/26/09 MILLWOOD and BEDINGFIELD

**CO-SPONSOR ADDED**

Bill Number: H. 3272  
Date: ADD:  
03/26/09 R. L. BROWN

**CO-SPONSOR ADDED**

Bill Number: H. 3464  
Date: ADD:  
03/26/09 WEEKS

**CO-SPONSOR ADDED**

Bill Number: H. 3530  
Date: ADD:  
03/26/09 J. M. NEAL

**CO-SPONSOR ADDED**

Bill Number: H. 3579  
Date: ADD:  
03/26/09 WEEKS

**CO-SPONSOR ADDED**

Bill Number: H. 3615  
Date: ADD:  
03/26/09 WEEKS

**CO-SPONSOR ADDED**

Bill Number: H. 3707  
Date: ADD:  
03/26/09 DUNCAN

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**SENT TO THE SENATE**

The following Joint Resolution was taken up, read the third time, and ordered sent to the Senate:

H. 3733 -- Reps. Agnew and Gambrell: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON MARCH 2, 2009, BY THE STUDENTS OF THE ABBEVILLE COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

**H. 3589--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Bill until Tuesday, March 31, which was adopted:

H. 3589 -- Reps. White, Bowen, Thompson, Cooper and Gambrell: A BILL TO AMEND ACT 269 OF 1989, AS AMENDED, RELATING TO ANDERSON COUNTY SCHOOL DISTRICT BUDGETS AND TAX MILLAGES, SO AS TO PROVIDE THAT THE BUDGET THAT A SCHOOL DISTRICT IN ANDERSON COUNTY MUST PROVIDE TO THE ANDERSON COUNTY BOARD OF EDUCATION MUST INCLUDE AN ITEMIZED ACCOUNTING OF HOW OPERATING FUNDS OF THE DISTRICT ARE PROPOSED TO BE ALLOCATED, AND TO PROVIDE THAT THE BOARD MAY DELETE ITEMS OR SHIFT FUNDS AMONG BUDGET ITEMS OF DISTRICT BUDGETS.

**ORDERED TO THIRD READING**

The following Bills and Joint Resolution were taken up, read the second time, and ordered to a third reading:

H. 3776 -- Reps. A. D. Young, Harrell, Horne and Knight: A BILL TO AUTHORIZE DORCHESTER COUNTY TO PAY PER DIEM, TRAVEL, OR OTHER EXPENSES TO A MEMBER OF A COUNTY BOARD OR COMMISSION WHEN THE MEMBER TRAVELS AND INCURS EXPENSES RELATING TO HIS DUTIES WHILE SERVING ON THE BOARD.

S. 432 -- Senators Malloy, Knotts and Campsen: A JOINT RESOLUTION TO EXTEND THE TIME IN WHICH THE

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SENTENCING REFORM COMMISSION, AS ESTABLISHED BY ACT 407 OF 2008, SHALL SUBMIT ITS REPORT TO THE CHAIRMAN OF THE SENATE JUDICIARY COMMITTEE AND THE CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE FROM JUNE 1, 2009, TO FEBRUARY 1, 2010, AT WHICH TIME THE COMMISSION SHALL BE DISSOLVED.

Rep. KELLY explained the Joint Resolution.

H. 3428 -- Reps. Harrell, Cooper and Ott: A BILL TO AMEND SECTION 2-7-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRINTING AND DISTRIBUTION OF ACTS, SO AS TO PROVIDE FOR THE MAILING OF ACTS NOT PLACED ON THE DESKS OF MEMBERS OF THE GENERAL ASSEMBLY WHEN THE MEMBER REQUESTS THE SERVICES, REQUIRE THE CLERKS OF THE GENERAL ASSEMBLY TO MAKE ALL ACTS AVAILABLE TO THE PUBLIC AFTER APPROVAL BY THE GOVERNOR, AND GENERALLY RESTRUCTURE THE DISTRIBUTION OF ACTS; TO AMEND SECTION 2-13-190, RELATING TO PRINTING IN SIGNATURES AND DISTRIBUTION OF PAGE PROOFS OR ADVANCE SHEETS, SO AS TO DELETE THE REQUIREMENT THAT THE CODE COMMISSIONER SEND A COPY OF EACH ADVANCE SHEET TO A DELINEATED LIST OF PERSONS, PROVIDE FOR PRINTING BY THE OFFICE OF LEGISLATIVE PRINTING, INFORMATION AND TECHNOLOGY SYSTEMS (LPITS) OF NOT MORE THAN TWENTY-FIVE COPIES OF THE ADVANCE SHEETS AS THE CODE COMMISSIONER ORDERS, AND TO DIRECT LPITS TO PUBLISH THE ADVANCE SHEETS ONLINE AS DIRECTED BY THE CODE COMMISSIONER; TO AMEND SECTION 8-15-40, RELATING TO THE DELIVERY OF THE CODE AND SUPPLEMENTS TO SUCCESSORS IN OFFICE, SO AS TO ALLOW THE CODE COMMISSIONER TO DETERMINE THE VALUE OF THE SET; TO AMEND SECTION 11-25-640, AS AMENDED, RELATING TO PERSONS ENTITLED TO RECEIVE ACTS AND JOINT RESOLUTIONS, SO AS TO NARROW THE LIST OF THOSE PERSONS RECEIVING THE ACTS AND JOINT RESOLUTIONS; AND TO AMEND SECTION 11-25-650, RELATING TO DISTRIBUTION OF COPIES AND PUBLICATIONS TO THE UNIVERSITY OF SOUTH CAROLINA LAW LIBRARY, SO AS TO DECREASE THE NUMBER OF

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COPIES PROVIDED OF THE ACTS AND JOINT RESOLUTIONS,  
THE CODE, AND THE REPORTS OF THE SUPREME COURT.

Rep. COOPER explained the Bill.

**H. 3776--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. A. D. YOUNG, with unanimous consent, it was ordered that H. 3776 be read the third time tomorrow.

**S. 432--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. KELLY, with unanimous consent, it was ordered that S. 432 be read the third time tomorrow.

**H. 3428--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. COOPER, with unanimous consent, it was ordered that H. 3428 be read the third time tomorrow.

**H. 3022--RECONSIDERED**

Rep. HARRISON moved to reconsider the vote whereby the Bill was given second reading, which was agreed to:

H. 3022 -- Reps. Kirsh, Wylie, G. M. Smith and Weeks: A BILL TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT OF THE CHARGE, SO AS TO SPECIFICALLY INCLUDE THAT A CIRCUIT SOLICITOR'S OFFICE OR CLERK OF COURT MAY NOT CHARGE A FEE FOR THE DESTRUCTION OR EXPUNGEMENT OF RECORDS OR FOR THE APPLICATION PROCESS REGARDING THE DESTRUCTION OR EXPUNGEMENT OF RECORDS UNDER CERTAIN CIRCUMSTANCES.

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**H. 3561--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Tuesday, March 31, which was adopted:

H. 3561 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE REVENUES FOR THE OPERATIONS OF STATE GOVERNMENT FOR FISCAL YEAR 2009-2010 TO SUPPLEMENT APPROPRIATIONS MADE FOR THOSE PURPOSES BY THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2009-2010.

**H. 3022--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Bill until Tuesday, March 31, which was adopted:

H. 3022 -- Reps. Kirsh, Wylie, G. M. Smith and Weeks: A BILL TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT OF THE CHARGE, SO AS TO SPECIFICALLY INCLUDE THAT A CIRCUIT SOLICITOR'S OFFICE OR CLERK OF COURT MAY NOT CHARGE A FEE FOR THE DESTRUCTION OR EXPUNGEMENT OF RECORDS OR FOR THE APPLICATION PROCESS REGARDING THE DESTRUCTION OR EXPUNGEMENT OF RECORDS UNDER CERTAIN CIRCUMSTANCES.

**H. 3748--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3748 -- Reps. Duncan, Clemmons and Chalk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-20-24 SO AS TO PROVIDE THAT THE VALUE OF OWNER OCCUPIED PROPERTY MUST BE INCLUDED IN THE CALCULATION OF THE INDEX OF TAXPAYING ABILITY UNTIL A PERMANENT CHANGE IN THE METHOD OF ITS CALCULATION IS ENACTED; AND TO CREATE THE INDEX OF TAXPAYING ABILITY STUDY COMMITTEE, TO PROVIDE FOR ITS MEMBERSHIP AND ITS PURPOSE, AND TO REQUIRE THE COMMITTEE TO REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY BY JANUARY

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10, 2010, UPON WHICH DATE THE COMMITTEE SHALL DISSOLVE.

Rep. STAVRINAKIS proposed the following Amendment No. 1 (COUNCIL\AGM\19373BH09):

Amend the bill, as and if amended, Section 59-20-24 as found in SECTION 1, page 1, lines 30-34, by deleting Section 59-20-24 in its entirety and inserting:

/ "Section 59-20-24. Notwithstanding Section 59-20-20, the value of owner occupied residential property must be included in the calculation of the index of taxpaying ability for the 2010 taxable year."/

Renumber sections to conform.

Amend title to conform.

Rep. STAVRINAKIS explained the amendment.

Reps. G. R. SMITH, BEDINGFIELD, NANNY, D. C. SMITH, COOPER, CLEMMONS, MERRILL, DUNCAN, ANTHONY, STRINGER, ERICKSON, DILLARD, KING, GULLICK, J. R. SMITH, R. L. BROWN, CLYBURN, JEFFERSON, WEEKS, KENNEDY, HARRISON, J. H. NEAL, FRYE and WILLIAMS requested debate on the Bill.

#### **H. 3615--POINT OF ORDER**

The following Bill was taken up:

H. 3615 -- Reps. Sandifer, Parks, King and Weeks: A BILL TO AMEND CHAPTER 7 OF TITLE 32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACTS, SO AS TO TRANSFER THE POWERS AND DUTIES FOR THE REGULATION OF PRENEED FUNERAL CONTRACTS FROM THE STATE BOARD OF FINANCIAL INSTITUTIONS TO THE DEPARTMENT OF CONSUMER AFFAIRS AND TO CONFORM THE PROVISIONS OF THIS CHAPTER TO THIS TRANSFER OF AUTHORITY, TO INCREASE CRIMINAL FINES FOR VIOLATIONS, TO PROVIDE FOR ADMINISTRATIVE PENALTIES, TO PROVIDE FOR A CONTESTED CASE HEARING FROM AN ORDER OF THE DEPARTMENT, AND TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 40-19-290, AS AMENDED, RELATING TO LICENSED EMBALMERS AND FUNERAL

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DIRECTORS RECEIVING PAYMENTS FOR PRENEED FUNERAL CONTRACTS, SO AS TO CHANGE "STATE BOARD OF FINANCIAL INSTITUTIONS" TO "SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS".

**POINT OF ORDER**

Rep. PARKER made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3147--POINT OF ORDER**

The following Bill was taken up:

H. 3147 -- Reps. G. R. Smith, Funderburk, Daning, Allison, G. M. Smith, Harrison, Wylie, Littlejohn, Bingham, Hamilton, Stavrakis, T. R. Young, E. H. Pitts, McEachern, Ballentine, Gunn, Bedingfield and Millwood: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-



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11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435, 2-13-240, AS AMENDED, CHAPTER 9 OF TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, AS AMENDED, CHAPTER 9 OF TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

**POINT OF ORDER**

Rep. HARRISON made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3464--POINT OF ORDER**

The following Bill was taken up:

H. 3464 -- Reps. Jennings, Cato, Nanney, Stringer, Wylie and Weeks: A BILL TO AMEND SECTION 7-13-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A POLL MANAGER REQUIRED TO BE A REGISTERED ELECTOR AND RESIDENT OF THE COUNTY IN WHICH HE IS ASSIGNED TO WORK, SO AS TO AUTHORIZE A POLL MANAGER TO WORK IN ANOTHER COUNTY AS LONG AS HE IS QUALIFIED.

**POINT OF ORDER**

Rep. KENNEDY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

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**H. 3579--POINT OF ORDER**

The following Bill was taken up:

H. 3579 -- Reps. Jennings, Cato and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-200 SO AS TO PROVIDE FOR QUARTERLY ELECTION DATES FOR CONDUCTING REFERENDA OR OTHER BALLOT QUESTIONS FOR ALL ENTITIES AUTHORIZED TO CONDUCT THEM.

**POINT OF ORDER**

Rep. KENNEDY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3358--POINT OF ORDER**

The following Bill was taken up:

H. 3358 -- Reps. Harrison, Weeks and Horne: A BILL TO AMEND SECTION 43-35-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE OMNIBUS ADULT PROTECTION ACT, SO AS TO REVISE THE DEFINITIONS OF "INVESTIGATIVE ENTITY" AND "NEGLECT"; TO AMEND SECTION 43-35-40, AS AMENDED, RELATING TO REQUIREMENTS OF AN INVESTIGATIVE ENTITY UPON RECEIVING A REPORT OF ADULT ABUSE, SO AS TO FURTHER SPECIFY AND CLARIFY PROCEDURES FOR REPORTING CASES IN WHICH THERE IS A REASONABLE SUSPICION OF CRIMINAL CONDUCT; AND TO AMEND SECTION 43-35-85, AS AMENDED, RELATING TO CRIMINAL PENALTIES FOR FAILING TO REPORT ADULT ABUSE WHEN REQUIRED TO REPORT, SO AS TO DELETE PROVISIONS AUTHORIZING DISCIPLINARY ACTION WHEN A PERSON WHO HAS REASON TO BELIEVE THAT ABUSE OCCURRED FAILS TO REPORT AND TO ESTABLISH CRIMINAL PENALTIES IF A CAREGIVER, DUE TO RECKLESS DISREGARD FOR THE HEALTH OR SAFETY OF A VULNERABLE ADULT, NEGLECTS OR CAUSES GREAT BODILY INJURY OR DEATH TO A VULNERABLE ADULT.

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**POINT OF ORDER**

Rep. KENNEDY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3013--POINT OF ORDER**

The following Bill was taken up:

H. 3013 -- Reps. Limehouse, Parker and Toole: A BILL TO AMEND SECTION 16-11-650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF REMOVING OR DESTROYING FENCES, GATES, OR OTHER BARRIERS ENCLOSING ANIMALS, CROPS, OR UNCULTIVATED LANDS, SO AS TO REVISE THE ELEMENTS OF THE OFFENSE AND INCREASE PENALTIES FOR VIOLATIONS AND TO VEST JURISDICTION TO HEAR AND DISPOSE OF THIS OFFENSE IN MAGISTRATES COURT.

**POINT OF ORDER**

Rep. PARKER made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3131--POINT OF ORDER**

The following Bill was taken up:

H. 3131 -- Reps. Toole, M. A. Pitts and Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-711 SO AS TO DESIGNATE THE "SUMMER DUCK" AS THE OFFICIAL STATE DUCK.

**POINT OF ORDER**

Rep. KENNEDY made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

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**H. 3777--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 3777 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION ENACTING THE EMERGENCY LOCAL ECONOMIC DEVELOPMENT ACT BY DESIGNATING COUNTY LEGISLATIVE DELEGATIONS AND THE INDIVIDUAL LEGISLATORS COMPRISING THESE DELEGATIONS EX OFFICIO, AS EMERGENCY LOCAL ECONOMIC DEVELOPMENT AMBASSADORS, TO PROVIDE FOR THE POWERS AND DUTIES OF THESE AMBASSADORS, TO ESTABLISH THE EMERGENCY LOCAL ECONOMIC DEVELOPMENT COUNCIL AND PROVIDE FOR ITS MEMBERSHIP, POWERS, AND DUTIES, TO ALLOW THE USE OF CAMPAIGN FUNDS IN AID OF THE PURPOSES OF THIS JOINT RESOLUTION, AND TO REPEAL THIS JOINT RESOLUTION AFTER THE FIFTH ANNIVERSARY OF ITS EFFECTIVE DATE.

**POINT OF ORDER**

Rep. KENNEDY made the Point of Order that the Joint Resolution was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3653--RECALLED AND REFERRED TO COMMITTEE  
ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. MCLEOD, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Judiciary and was referred to the Committee on Education and Public Works:

H. 3653 -- Rep. McLeod: A JOINT RESOLUTION TO DELAY IMPLEMENTATION OF THE PROVISIONS OF ACT 270 OF 2008, RELATING TO THE REQUIREMENT THAT MUNICIPAL COURT JURY LISTS INCLUDE OTHERWISE QUALIFIED RESIDENTS OF THE MUNICIPALITY WHO HOLD A VALID SOUTH CAROLINA DRIVER'S LICENSE OR IDENTIFICATION CARD, SO AS TO POSTPONE THIS EXPANSION OF THE MUNICIPAL COURT JURY LIST UNTIL DECEMBER 31, 2009.

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**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3669 from the Committee on Ways and Means.

Rep. WHITE objected.

**SENT TO THE SENATE**

The following Bill and Joint Resolution were taken up, read the third time, and ordered sent to the Senate:

H. 3305 -- Reps. Bedingfield, Merrill, Bingham, Duncan, Loftis, G. R. Smith, Cato, Owens, Crawford, A. D. Young, Nanney, Bannister, Daning, Harrison, Horne, Kirsh, Lowe, Lucas, E. H. Pitts, Stringer, Thompson, Toole, Wylie, T. R. Young, Long, Rice, Parker, Allison, Littlejohn, Cole, Hiott, Edge, Whitmire, Hearn, Hardwick, D. C. Smith, Pinson, J. R. Smith, Simrill, Brantley, Willis, Hamilton, Erickson, Sottile, Scott, Harrell, Delleney, Gullick, Frye, Clemmons, G. M. Smith, Battle, Sandifer, Millwood, Haley, Ballentine, M. A. Pitts, Cooper, White, Gambrell, Bowen, Umphlett, Forrester, Barfield, Chalk, Herbkersman, Viers, Spires, Huggins, Limehouse, Stewart, Kelly, Brady and Moss: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO ELECTIONS BY SECRET BALLOT AND PROTECTION OF THE RIGHT OF SUFFRAGE, SO AS TO PROVIDE THAT THE GUARANTEE OF THE RIGHT TO VOTE BY SECRET BALLOT APPLIES IN REQUIRED DESIGNATIONS OR AUTHORIZATIONS FOR EMPLOYEE REPRESENTATION.

H. 3084 -- Reps. Toole, Wylie and Hamilton: A BILL TO AMEND SECTION 57-3-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NAMING OF A HIGHWAY FACILITY IN HONOR OF AN INDIVIDUAL, SO AS TO PROVIDE THAT UNLESS THE HIGHWAY FACILITY IS DEDICATED AND NAMED IN HONOR OF EITHER A SERVICEMAN OR LAW ENFORCEMENT OFFICER KILLED IN THE LINE OF DUTY, PUBLIC FUNDS MAY NOT BE USED TO REIMBURSE THE DEPARTMENT OF TRANSPORTATION FOR THE EXPENSES IT INCURS TO NAME AND DEDICATE THE HIGHWAY FACILITY.

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**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. COLE.

**H. 3161--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3161 -- Rep. Harrison: A BILL TO AMEND SECTION 1-23-660, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFICE OF MOTOR VEHICLE HEARINGS WITHIN THE ADMINISTRATIVE LAW COURT, SO AS TO REQUIRE THE OFFICE OF MOTOR VEHICLE HEARINGS TO EMPLOY CERTAIN PROFESSIONAL AND SUPPORT STAFF; AND TO AMEND SECTION 56-5-2952, AS AMENDED, RELATING TO THE FILING FEE TO REQUEST AN ADMINISTRATIVE HEARING, SO AS TO INCREASE THE FILING FEE FROM ONE HUNDRED FIFTY TO TWO HUNDRED FIFTY DOLLARS AND PROVIDE FOR THE DISTRIBUTION OF THE FILING FEE FUNDS COLLECTED.

Rep. HARRISON explained the Bill.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 64; Nays 43

Those who voted in the affirmative are:

Anthony	Bannister	Barfield
Battle	Bingham	Bowen
Brady	Branham	Cato
Chalk	Cole	Cooper
Daning	Delleney	Edge
Gambrell	Gullick	Hamilton
Hardwick	Harrell	Harrison
Hart	Hayes	Hearn
Horne	Huggins	Hutto
Jennings	Kelly	Kirsh
Knight	Limehouse	Littlejohn
Long	Lucas	Merrill
Miller	Moss	Nanney
J. M. Neal	Neilson	Owens
Rice	Sandifer	Scott
Skelton	D. C. Smith	G. M. Smith

[HJ]

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G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stewart	Stringer	Thompson
Toole	Umphlett	Viers
White	Whitmire	Wylie
T. R. Young		

**Total--64**

Those who voted in the negative are:

Agnew	Alexander	Allen
Allison	Anderson	Bowers
Brantley	G. A. Brown	H. B. Brown
R. L. Brown	Clyburn	Cobb-Hunter
Dillard	Duncan	Erickson
Forrester	Funderburk	Gilliard
Govan	Gunn	Haley
Hodges	Hosey	Jefferson
Kennedy	King	Lowe
Mack	McEachern	McLeod
Mitchell	J. H. Neal	Ott
Parker	Pinson	M. A. Pitts
Sellers	Simrill	Vick
Weeks	Williams	Willis
A. D. Young		

**Total--43**

So, the Bill was read the second time and ordered to third reading.

**H. 3161--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. HARRISON, with unanimous consent, it was ordered that H. 3161 be read the third time tomorrow.

**H. 3442--DEBATE ADJOURNED**

Rep. BINGHAM moved to adjourn debate upon the following Bill until Tuesday, March 31, which was adopted:

H. 3442 -- Reps. Bingham, Harrell, Duncan, Harrison, Owens, Toole, Merrill, Brady, E. H. Pitts, G. M. Smith, Daning, Haley,

[HJ]

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Huggins, Cato, Ballentine, D. C. Smith, J. R. Smith, Rice, T. R. Young, Horne and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-29-300 SO AS TO CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS' TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41-29-310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41-29-10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE 41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT SECURITY COMMISSION; TO AMEND SECTION 41-29-20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41-29-30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND



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FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41-27-10, 41-27-30, 41-27-150, 41-27-160, 41-27-190, 41-27-210, AS AMENDED, 41-27-230, 41-27-235, AS AMENDED, 41-27-260, AS AMENDED, 41-27-360, 41-27-370, AS AMENDED, 41-27-380, 41-27-390, 41-27-510, 41-27-550, 41-27-560, 41-27-570, 41-27-580, 41-27-600, 41-27-610, 41-27-620, 41-27-630, 41-27-670, 41-29-40, 41-29-50, 41-29-60, 41-29-70, 41-29-80, 41-29-90, 41-29-100, 41-29-110, 41-29-120, AS AMENDED, 41-29-130, 41-29-140, 41-29-150, 41-29-170, AS AMENDED, 41-29-180, 41-29-190, 41-29-200, 41-29-210, 41-29-220, 41-29-230, 41-29-240, 41-29-250, 41-29-270, 41-29-280, 41-29-290, 41-33-10, 41-33-20, 41-33-30, 41-33-40, 41-33-45, 41-33-80, AS AMENDED, 41-33-90, 41-33-100, 41-33-110, 41-33-120, 41-33-130, 41-33-170, 41-33-180, 41-33-190, 41-33-200, 41-33-210, 41-33-430, 41-33-460, 41-33-470, 41-33-610, 41-33-710, 41-35-10, 41-35-30, 41-35-100, 41-35-110, AS AMENDED, 41-35-115, AS AMENDED, 41-35-120, AS AMENDED, 41-35-125, 41-35-126, 41-35-130, AS AMENDED, 41-35-140, 41-35-330, 41-35-340, 41-35-410, 41-35-420, AS AMENDED, 41-35-450, 41-35-610, 41-35-630, 41-35-640, AS AMENDED, 41-35-670, 41-35-680, AS AMENDED, 41-35-690, 41-35-700, 41-35-710, AS AMENDED, 41-35-720, 41-35-730, 41-35-740, 41-35-750, AS AMENDED, 41-37-20, 41-37-30, 41-39-30, 41-39-40, 41-41-20, AS AMENDED, 41-41-40, AS AMENDED, 41-41-50, 41-42-10, 41-42-20, 41-42-30, AND 41-42-40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41-29-260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

**H. 3311--DEBATE ADJOURNED**

Rep. A. D. YOUNG moved to adjourn debate upon the following Bill until Tuesday, March 31, which was adopted:

H. 3311 -- Reps. Brady, Harrison, Erickson, Umphlett, A. D. Young, Agnew, Allison, Battle, Bowen, Bowers, Clemmons, Cooper, Duncan,

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Gambrell, Hardwick, Hearn, Horne, Kirsh, Long, Lowe, McLeod, Parker, Simrill, Whitmire, Willis, Toole, G. M. Smith, Harvin, Hutto, Neilson, Nanney, Miller, G. R. Smith, Hamilton, Jennings, T. R. Young, Limehouse, Sottile, Viers, Williams, White, Weeks, Wylie, Forrester, Sellers, Rice, Hiott, Owens and Bannister: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 8 TO ARTICLE 1, CHAPTER 9, TITLE 63 SO AS TO ESTABLISH THE RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES AND TO PROVIDE THAT A UNMARRIED BIOLOGICAL FATHER OF A CHILD, OR AN MALE CLAIMING TO BE THE UNMARRIED BIOLOGICAL FATHER OF A CHILD, MUST FILE A CLAIM OF PATERNITY WITH THIS REGISTRY IN ORDER TO RECEIVE NOTICE OF A TERMINATION OF PARENTAL RIGHTS ACTION OR AN ADOPTION ACTION PERTAINING TO THIS CHILD, TO PROVIDE THAT FAILURE TO FILE A CLAIM CONSTITUTES IMPLIED IRREVOCABLE CONSENT TO THE TERMINATION OF HIS PARENTAL RIGHTS AND TO THE CHILD'S ADOPTION, TO PROVIDE THAT CERTAIN CONDUCT BY AN UNMARRIED BIOLOGICAL FATHER IS DEEMED TO BE NOTICE TO THIS FATHER OF THE BIOLOGICAL MOTHER'S PREGNANCY, AND TO FURTHER ESTABLISH FILING PROCEDURES AND PROCEDURES FOR THE OPERATION OF THE REGISTRY; TO AMEND SECTION 63-9-730, RELATING TO PERSONS AND ENTITIES ENTITLED TO NOTICE OF TERMINATION OF PARENTAL RIGHTS ACTIONS AND ADOPTION ACTIONS, SO AS TO INCLUDE A PERSON WHO HAS REGISTERED WITH THE RESPONSIBLE FATHER REGISTRY; TO AMEND SECTION 63-7-2530, RELATING TO THE FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO REQUIRE A TERMINATION OF PARENTAL RIGHTS ACTION TO BE HEARD WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE PETITION IS FILED AND TO PROVIDE CONDITIONS UNDER WHICH A CONTINUANCE MAY BE GRANTED; TO AMEND SECTION 63-7-2550, RELATING TO PERSONS OR ENTITIES ENTITLED TO BE SERVED WITH A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO FURTHER SPECIFY THE AGE AS FOURTEEN FOR SERVING A CHILD, TO PROVIDE SERVICE ON THE GUARDIAN AD LITEM OF A CHILD UNDER FOURTEEN YEARS OF AGE, AND TO SPECIFY THE NOTICE

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PROVISIONS APPLICABLE TO AN UNMARRIED BIOLOGICAL FATHER OF A CHILD WHOSE PARENTAL RIGHTS ARE BEING TERMINATED.

**H. 3314--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3314 -- Rep. Harrison: A BILL TO AMEND SECTIONS 1-30-35, 44-20-30, 44-20-210, 44-20-220, 44-20-225, 44-20-240, 44-20-320, 44-20-350, 44-20-360, 44-20-430, 44-20-1120, 44-20-1130, 44-20-1140, 44-20-1150, 44-20-1160, 44-20-1170, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT THE DEPARTMENT IS HEADED AND GOVERNED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS SERVES AS AN ADVISORY BOARD TO THE DIRECTOR; AND TO REPEAL SECTION 44-20-230 RELATING TO POWERS AND DUTIES OF THE DIRECTOR.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7266AC09), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. A.Title 2 of the 1976 Code is amended by adding:  
“CHAPTER 2

Legislative Oversight of Executive Departments

Section 2-2-5. The General Assembly finds and declares the following to be the public policy of the State of South Carolina:

(1) Section 1 of Article XII of the constitution of this State requires the General Assembly to provide for appropriate agencies to function in the areas of health, welfare, and safety and to determine the activities, powers, and duties of these agencies and departments.

(2) This constitutional duty is a continuing and ongoing obligation of the General Assembly that is best addressed by periodic review of the programs of the agencies and departments and their responsiveness to the needs of the state’s citizens by the standing committees of the State Senate or House of Representatives.

Section 2-2-10. As used in this chapter:

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(1) 'Agency' means an authority, board, branch, commission, committee,

department, division, or other instrumentality of the executive or judicial departments of state government, including administrative bodies. 'Agency' includes a body corporate and politic established as an instrumentality of the State. 'Agency' does not include:

- (a) the legislative department of state government; or
- (b) a political subdivision.

(2) 'Investigating committee' means any standing committee or subcommittee of a standing committee exercising its authority to conduct an oversight study and investigation of an agency within the standing committee's subject matter jurisdiction.

(3) 'Program evaluation report' means a report compiled by an agency at the request of an investigating committee that may include, but is not limited to, a review of agency management and organization, program delivery, agency goals and objectives, compliance with its statutory mandate, and fiscal accountability.

(4) 'Request for information' means a list of questions that an investigating committee serves on a department or agency under investigation. The questions may relate to any matters concerning the department or agency's actions that are the subject of the investigation.

(5) 'Standing committee' means a permanent committee with a regular meeting schedule and designated subject matter jurisdiction that is authorized by the Rules of the Senate or the Rules of the House of Representatives.

Section 2-2-20. (A) Beginning January 1, 2011, each standing committee shall conduct oversight studies and investigations on all agencies within the standing committee's subject matter jurisdiction at least once every five years in accordance with a schedule adopted as provided in this chapter.

(B) The purpose of these oversight studies and investigations is to determine if agency laws and programs within the subject matter jurisdiction of a standing committee:

(1) are being implemented and carried out in accordance with the intent of the General Assembly; and

(2) should be continued, curtailed, or eliminated.

(C) The oversight studies and investigations must consider:

(1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee's subject matter jurisdiction;

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(2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee's subject matter jurisdiction; and

(3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee's subject matter jurisdiction.

Section 2-2-30. (A) The procedure for conducting the oversight studies and investigations is provided in this section.

(B)(1) The President *Pro Tempore* of the Senate, upon consulting with the chairmen of the standing committees in the Senate and the Clerk of the Senate, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed five-year review schedule must be published in the Senate Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for an agency.

(C)(1) The Speaker of the House of Representatives, upon consulting with the chairmen of the standing committees in the House of Representatives and the Clerk of the House of Representatives, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed five-year review schedule must be published in the House Journal on the first day of session each year.

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(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for the agency.

(D) The chairman of an investigating committee may vest the standing committee's full investigative power and authority in a subcommittee. A subcommittee conducting an oversight study and investigation of an agency:

(1) shall make a full report of its findings and recommendations to the standing committee at the conclusion of its oversight study and investigation, and

(2) shall not consist of fewer than three members.

Section 2-2-40. (A) In addition to the scheduled five-year oversight studies and investigations, a standing committee of the Senate or the House of Representatives may by one-third vote of the standing committee's membership initiate an oversight study and investigation of an agency within its subject matter jurisdiction. The motion calling for the oversight study and investigation must state the subject matter and scope of the oversight study and investigation. The oversight study and investigation must not exceed the scope stated in the motion or the scope of the information uncovered by the investigation.

(B) Nothing in the provisions of this chapter prohibits or restricts the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, or chairmen of standing committees from fulfilling their constitutional obligations by authorizing and conducting legislative investigations into agencies' functions, duties, and activities.

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Section 2-2-50. When an investigating committee conducts an oversight study and investigation or a legislative investigation is conducted pursuant to Section 2-2-40(B), evidence or information related to the investigation may be acquired by any lawful means, including, but not limited to:

(A) serving a request for information on the agency being studied or investigated. The request for information must be answered separately and fully in writing under oath and returned to the investigating committee within forty-five days after being served upon the department or agency. The time for answering a request for information may be extended for a period to be agreed upon by the investigating committee and the agency for good cause shown. The head of the department or agency shall sign the answers verifying them as true and correct. If any question contains a request for records, policies, audio or video recordings, or other documents, the question is not considered to have been answered unless a complete set of records, policies, audio or video recordings or other documents is included with the answer;

(B) deposing witnesses upon oral examination. A deposition upon oral examination may be taken from any person that the investigating committee has reason to believe has knowledge of the activities under investigation. The investigating committee shall provide the person being deposed and the agency under investigation with no less than ten days notice of the deposition. The notice to the agency shall state the time and place for taking the deposition and name and address of each person to be examined. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena must be attached to or included in the notice. The deposition must be taken under oath administered by the chairman of the investigating committee or his designee. The testimony must be taken stenographically or recorded by some other means and may be videotaped. A person may be compelled to attend a deposition in the county in which he resides or in Richland County;

(C) issuing subpoenas and subpoenas duces tecum pursuant to Chapter 69 of this title; and

(D) requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee. The investigating committee shall specify the agency program or programs or agency operations that

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it is studying or investigating and the information to be contained in the program evaluation report.

Section 2-2-60. (A) An investigating committee's request for a program evaluation report must contain:

(1) the agency program or operations that it intends to investigate;

(2) the information that must be included in the report; and

(3) the date that the report must be submitted to the committee.

(B) An investigating committee may request that the program evaluation report contain any of the following information:

(1) enabling or authorizing law or other relevant mandate, including any federal mandates;

(2) a description of each program administered by the agency identified by the investigating committee in the request for a program evaluation report, including the following information:

(a) established priorities, including goals and objectives in meeting each priority;

(b) performance criteria, timetables, or other benchmarks used by the agency to measure its progress in achieving its goals and objectives;

(c) an assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet them in the future;

(3) organizational structure, including a position count, job classification, and organization flow chart indicating lines of responsibility;

(4) financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the last ten years;

(5) identification of areas where the agency has coordinated efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements;

(6) identification of the constituencies served by the agency or program, noting any changes or projected changes in the constituencies;



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(7) a summary of efforts by the agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives;

(8) identification of emerging issues for the agency;

(9) a comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program;

(10) agency policies for collecting, managing, and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies;

(11) a list of reports, applications, and other similar paperwork required to be filed with the agency by the public. The list must include:

(a) the statutory authority for each filing requirement;

(b) the date each filing requirement was adopted or last amended by the agency;

(c) the frequency that filing is required;

(d) the number of filings received annually for the last five years and the number of anticipated filings for the next five years;

(e) a description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication;

(12) any other relevant information specifically requested by the investigating committee.

(C) All information contained in a program evaluation report must be presented in a concise and complete manner.

(D) The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report and report its findings to the investigating committee. The chairman also may direct the Legislative Audit Council to perform its own audit of the program or operations being studied or investigated by the investigating committee.

(E) A state agency that is vested with revenue bonding authority may submit annual reports and annual external audit reports conducted by a third party in lieu of a program evaluation report.

Section 2-2-70. All testimony given to the investigating committee must be under oath.

Section 2-2-80. Any witness testifying before or deposed by the investigating committee may have counsel present to advise him. The witness or his counsel may, during the time of testimony or deposition, object to any question detrimental to the witness' interests and is

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entitled to have a ruling by the chairman on any objection. In making his ruling, the chairman of the investigating committee shall follow as closely as possible the procedures and rules of evidence observed by the circuit courts of this State.

Section 2-2-90. A witness shall be given the benefit of any privilege which he may have claimed in court as a party to a civil action.”

B. This SECTION takes effect July 1, 2009. /

Renumber sections to conform.

Amend title to conform.

Rep. HARRISON explained the amendment.

The amendment was then adopted.

Rep. McLEOD proposed the following Amendment No. 2 (COUNCIL\GJK\20223SD09), which was adopted:

Amend the bill, as and if amended, SECTION \_\_\_\_A. as found on pages 3314-1 through 3314-8, by inserting after line 8 on page 3314-8 the following:

/ Section 2-2-100. A person who appears before a committee or subcommittee of either house, pursuant to this chapter, and wilfully gives false, misleading, or incomplete testimony under oath is guilty of a felony punishable by a fine within the discretion of the court or for a term of imprisonment of not more than five years, or both.

Section 2-2-110. If a person violates Section 2-2-100, it is the duty of the chair of the committee or subcommittee before which the false, misleading, or incomplete testimony was given, to notify the Attorney General of South Carolina who shall cause charges to be filed in the appropriate county. /

Renumber sections to conform.

Amend title to conform.

Rep. MCLEOD explained the amendment.

The amendment was then adopted.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 86; Nays 26

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Those who voted in the affirmative are:

Agnew	Allison	Anthony
Bannister	Barfield	Battle
Bingham	Bowen	Brady
Brantley	G. A. Brown	Cato
Chalk	Clemmons	Cole
Cooper	Crawford	Daning
Delleney	Duncan	Edge
Erickson	Forrester	Frye
Funderburk	Gambrell	Gullick
Gunn	Haley	Hamilton
Hardwick	Harrell	Harrison
Hart	Hearn	Hiott
Horne	Huggins	Hutto
Jefferson	Kelly	Kirsh
Knight	Limehouse	Loftis
Long	Lowe	Lucas
McEachern	Merrill	Miller
Millwood	Moss	Nanney
J. H. Neal	Owens	Parker
Pinson	E. H. Pitts	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stewart	Stringer	Thompson
Toole	Umphlett	Viers
Weeks	White	Whitmire
Williams	Willis	Wylie
A. D. Young	T. R. Young	

**Total--86**

Those who voted in the negative are:

Allen	Anderson	Bowers
Branham	H. B. Brown	R. L. Brown
Clyburn	Cobb-Hunter	Dillard
Gilliard	Govan	Harvin
Hayes	Hosey	Jennings
Kennedy	King	Mack
McLeod	Mitchell	J. M. Neal

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Neilson  
Sellers

Ott  
Vick

M. A. Pitts

**Total--26**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 3314--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. HARRISON, with unanimous consent, it was ordered that H. 3314 be read the third time tomorrow.

**RECURRENCE TO THE MORNING HOUR**

Rep. JEFFERSON moved that the House recur to the Morning Hour, which was agreed to.

**REPORT OF STANDING COMMITTEE**

Rep. LITTLEJOHN, from the Spartanburg Delegation, submitted a favorable report on:

S. 487 -- Senators Bright, Reese and S. Martin: A BILL TO AMEND ACT 612 OF 1984, RELATING TO THE METHOD OF CONDUCTING ELECTIONS FOR MEMBERS OF THE SCHOOL DISTRICT BOARDS OF TRUSTEES IN SPARTANBURG COUNTY, TO REDUCE THE NUMBER OF QUALIFIED ELECTORS THAT MUST SIGN A PETITION FOR A PERSON TO PLACE HIS NAME AS A CANDIDATE ON THE BALLOT.

Ordered for consideration tomorrow.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 3799 -- Reps. Duncan, Hiott and Frye: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-2615 SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES IS AUTHORIZED TO ISSUE BEAR HUNTING ENCLOSURE PERMITS TO ENCLOSURE OPERATORS UNDER THE SAME TERMS AND CONDITIONS APPLICABLE TO FOXES AND COYOTES AS

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PERMITTED BY ARTICLE 13, CHAPTER 11, TITLE 50, EXCEPT THAT THE ENCLOSURE MUST BE ON PRIVATE LANDS AND HAVE A TWO HUNDRED ACRE MINIMUM ACREAGE, AND TO PROVIDE THAT ALL OTHER PROVISIONS OF THIS ARTICLE APPLICABLE TO FOXES AND COYOTES ALSO ARE APPLICABLE TO BEARS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3800 -- Reps. Toole, Erickson, Brady, Bowen, Brantley, Parker, Allison, Cato, Crawford, Dillard, Duncan, Gullick, Gunn, Horne, Hosey, Jefferson, Littlejohn, Millwood, Mitchell, Pinson, Stringer, Willis, Wylie and A. D. Young: A BILL TO AMEND SECTION 63-7-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS REQUIRED TO REPORT ABUSE OR NEGLECT OF A CHILD, SO AS TO INCLUDE A SCHOOL ATTENDANCE OFFICER, SCHOOL ADMINISTRATOR, FOSTER PARENT, JUVENILE JUSTICE WORKER, AND GUARDIAN AD LITEM FOR A CHILD AMONG THE PEOPLE WHO MUST REPORT CERTAIN ALLEGATIONS OF CHILD ABUSE OR NEGLECT, AND TO ENCOURAGE OTHER PEOPLE TO REPORT THIS ABUSE.

Referred to Committee on Judiciary

H. 3801 -- Reps. Gilliard, Brantley, Alexander, G. A. Brown, Dillard, Hodges, Hosey, Hutto, Mack, Weeks and Williams: A JOINT RESOLUTION TO PROVIDE THAT THE STATE DEPARTMENT OF SOCIAL SERVICES IN CONJUNCTION WITH EACH COUNTY'S LOCAL DEPARTMENT OF SOCIAL SERVICES SHALL CONDUCT A STUDY ON THE NUMBER OF HOMELESS PERSONS IN EACH COUNTY IN THIS STATE AS AGGRAVATED BY THE CURRENT RECESSION, ASSESS THE AVAILABILITY AND CAPACITIES OF HOMELESS SHELTERS IN EACH COUNTY, AND DETERMINE THE FEASIBILITY OF USING TENT-LIKE TEMPORARY SHELTERS TO BE OBTAINED WITH STATE FUNDS TO HOUSE ON A SHORT-TERM BASIS PERSONS WHO WOULD OTHERWISE BE TURNED AWAY; AND TO PROVIDE THAT THE DEPARTMENT'S REPORT SHALL BE MADE TO THE GOVERNOR AND EACH HOUSE OF THE

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GENERAL ASSEMBLY AND ALSO MADE AVAILABLE TO THE GENERAL PUBLIC NO LATER THAN JANUARY 31, 2010.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 3802 -- Reps. Edge, Bedingfield, Herbkersman, Merrill, Viers, Stewart, Hamilton, Erickson, Stringer, Duncan, G. R. Smith, Nanney, Millwood, Barfield, Scott, Chalk, Bowen, J. R. Smith, Hardwick, Delleney, Loftis, Cato, Clemmons, Crawford, Haley, Limehouse, Lowe, Owens, M. A. Pitts, Rice, Simrill, G. M. Smith, Sottile, Spires, Thompson and A. D. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA EDUCATIONAL OPPORTUNITY ACT" BY ADDING ARTICLE 6 TO CHAPTER 63, TITLE 59 SO AS TO PROVIDE THAT A STUDENT IS ELIGIBLE TO RECEIVE A SCHOLARSHIP OR TUITION GRANT AND A PERSON WHO PAYS TUITION FOR THAT STUDENT IS ELIGIBLE FOR A TAX CREDIT FOR THE PAYMENT OF THAT TUITION UPON CERTAIN CONDITIONS; TO ALLOW A TAX CREDIT FOR A PERSON WHO PAID TUITION FOR A QUALIFYING STUDENT TO ATTEND AN INDEPENDENT OR PUBLIC SCHOOL UPON CERTAIN CONDITIONS DURING THE FIRST THREE FISCAL YEARS AFTER THE ENACTMENT OF THIS ACT, TO ALLOW A TAX CREDIT FOR A PERSON WHO PAID TUITION FOR ANY STUDENT WHO IS ENROLLED IN GRADES TWO THROUGH FOUR IN AN INDEPENDENT OR PUBLIC SCHOOL FOR THE FOURTH YEAR AFTER THE ENACTMENT OF THIS ACT, AND TO ALLOW A TAX CREDIT FOR A PERSON WHO PAID TUITION FOR ANY STUDENT ENROLLED IN ANY GRADE IN AN INDEPENDENT OR PUBLIC SCHOOL FOR EVERY FISCAL YEAR THEREAFTER; TO PROVIDE TERMS AND CONDITIONS OF THE TAX CREDIT, TO PROVIDE THAT THE TAX CREDIT MAY BE CARRIED FORWARD AND APPLIED PROSPECTIVELY FOR UP TO FIVE YEARS; TO ALLOW A TAX CREDIT OF UP TO ONE THOUSAND DOLLARS PER STUDENT FOR A PERSON WHO TEACHES HIS STUDENT AT HOME; TO ALLOW A TAX CREDIT FOR A PERSON OR CORPORATION FOR A CONTRIBUTION MADE TO A STUDENT SCHOLARSHIP ORGANIZATION UPON CERTAIN TERMS AND CONDITIONS; TO PROVIDE REQUIREMENTS THAT AN INDEPENDENT SCHOOL MUST MEET IN ORDER TO ACCEPT STUDENTS

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PURSUANT TO THIS ARTICLE; TO REQUIRE PARTICIPATING SCHOOLS TO ADMINISTER CERTAIN ASSESSMENT TESTS; TO REQUIRE A FAILING SCHOOL TO NOTIFY PARENTS AND GUARDIANS OF STUDENTS ENROLLED IN THE SCHOOL OF ITS FAILING STATUS; TO ALLOW THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS AND MAKE INVESTIGATIONS IN ACCORDANCE WITH THIS ARTICLE; TO REQUIRE THE STATE BUDGET AND CONTROL BOARD ANNUALLY TO REPORT ON THE FISCAL IMPACT OF THIS ARTICLE, AND TO SPECIFY WHAT MUST BE INCLUDED IN THE REPORT; TO REQUIRE THE STATE BUDGET AND CONTROL BOARD TO UNDERTAKE A LONG-TERM EVALUATION OF THE IMPACT OF THE ARTICLE, AND TO SPECIFY WHAT MUST BE INCLUDED IN THE EVALUATION, AND TO DEFINE CERTAIN TERMS; AND BY ADDING SECTION 12-6-3383 SO AS TO CREATE THE TAX CREDIT AND REFERENCE ITS TERMS AND CONDITIONS.

Referred to Committee on Ways and Means

H. 3803 -- Reps. Bannister and Harrison: A BILL TO AMEND SECTIONS 62-1-201, 62-1-304, 62-1-401, 62-1-403, 62-2-205, 62-2-402, 62-3-203, 62-3-401, 62-3-403, 62-3-409, 62-3-414, 62-3-502, 62-3-503, 62-3-604, 62-3-607, 62-3-611, 62-3-806, 62-3-911, 62-3-1001, 62-3-1008, 62-3-1101, 62-3-1102, 62-3-1309, 62-5-101, 62-5-303, 62-5-305, 62-5-307, 62-5-309, 62-5-310, 62-5-401, 62-5-402, 62-5-405, 62-5-407, 62-5-411, 62-5-412, 62-5-416, 62-5-419, 62-5-428, 62-5-430, 62-5-501, 62-5-504, AS AMENDED, 62-5-604, AND 62-5-608, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE VARIOUS ACTIONS AND PROCEEDINGS CONCERNING THE AFFAIRS OF DECEDENTS, PROTECTED PERSONS, MINORS, AND INCAPACITATED PERSONS FALLING UNDER THE SUBJECT MATTER JURISDICTION OF THE PROBATE COURT, SO AS TO DIFFERENTIATE BETWEEN A FORMAL PROCEEDING AND AN APPLICATION TO THE COURT AND THE PROCEDURAL RULES GOVERNING EACH, TO REQUIRE THE FILING AND SERVICE OF A SUMMONS AND PETITION TO COMMENCE A FORMAL PROCEEDING, AND TO DISTINGUISH THAT REQUIREMENT OF SUMMONS AND PETITION FROM THE NOTICE REQUIREMENTS FOR A HEARING ON A PETITION; AND TO AMEND SECTIONS 62-1-403, 62-3-703, 62-7-105, 62-7-201, 62-7-303, 62-7-305, 62-7-414, 62-

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7-505, 62-7-604, 62-7-709, 62-7-814, 62-7-902, 62-7-903, 62-7-904, 62-7-933, AND 62-7-1013, ALL RELATING TO THE SOUTH CAROLINA TRUST CODE, SO AS TO SUBSTITUTE "PERSON" FOR "PARENT" AND "ISSUE" FOR "CHILD", DELETE THE REQUIREMENT OF A TAXPAYER IDENTIFICATION NUMBER ON A CERTIFICATE OF TRUST, ALLOW CERTAIN REIMBURSEMENTS TO A PROSPECTIVE TRUSTEE, AND MAKE TECHNICAL CHANGES.

Referred to Committee on Judiciary

H. 3804 -- Reps. Bedingfield, Wylie, Cato, Allen, Bannister, Hamilton and Stringer: A BILL TO AMEND SECTION 7-7-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENVILLE COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF GREENVILLE COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

On motion of Rep. BEDINGFIELD, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

Rep. RICE moved that the House do now adjourn, which was agreed to.

#### **RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3759 -- Rep. G. A. Brown: A CONCURRENT RESOLUTION TO CONGRATULATE MRS. AGNES GRAHAM DRAYTON OF LEE COUNTY ON THE OCCASION OF HER NINETIETH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

H. 3767 -- Rep. Alexander: A CONCURRENT RESOLUTION TO HONOR THE LIFE AND LEGACY OF ERVIN JAMES, FOUNDER OF JAMESTOWN IN FLORENCE COUNTY, AND TO CELEBRATE THE RICH CONTRIBUTIONS HE MADE TO AFRICAN-AMERICAN HISTORY, AGRICULTURE, AND



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COMMUNITY GROWTH AT A TIME WHEN MANY AFRICAN  
AMERICANS STRUGGLED TO SURVIVE.

**ADJOURNMENT**

At 12:09 p.m. the House, in accordance with the motion of Rep. MOSS, adjourned in memory of Wade S. Weatherford, Jr. of Gaffney, former Seventh Circuit Court Judge and former Senator and Representative, to meet at 10:00 a.m. tomorrow.

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